

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Acting Chief, Criminal Division

GARTH HIRE (CABN 187330)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612-5217
Telephone: (510) 637-3929
Facsimile: (510) 637-3724
E-Mail: Garth.Hire@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
v.)	CONFERENCE AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Tuesday, November 30, 2010, before United States Magistrate Judge Laurel Beeler.

2. The parties request that this hearing be continued until 10 a.m. on Wednesday, January 26, 2011, before United States Magistrate Judge Donna M. Ryu, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

3. Specifically, the parties have submitted the methamphetamine in this case for independent examination and analysis by a non-government laboratory. Additional time is needed for defense counsel to review the results of this analysis when available. This independent examination and analysis is necessary for the defense to effectively prepare for trial in this matter. The parties believe that failure to grant the above-requested continuance would deny defendants' counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from November 30, 2010, to January 26, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

Dated: November 29, 2010

/s/

GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

Dated: November 29, 2010

/s/

LYNN KESLAR
Attorney for Defendant
Juan Octaviano Lopez

Dated: November 8, 2010

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

~~[PROPOSED]~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled November 30, 2010, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on January 26, 2011.

2. The time period from November 30, 2010, to January 26, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: November 30, 2010


LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE